Page 12   10/762,622 CCS-102

Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. Following the entry of this amendment, claims 1-12, 20-39, 45 and 46 will be pending. No additional fees for added claims 45 and 46 are required in view of the fees previously paid for claims now canceled.

Applicant's arguments presented below focus on certain patentable differences between the invention as claimed and the applied references. However, it is not to be inferred that the failure to argue all differences between the claimed subject matter and the applied references constitutes acceptance of assertions made in the Office Action of alleged similarities between elements of the claimed subject matter and the applied references.

Restriction Requirement:

It is confirmed that an election to proceed with claims 1-12 and 20-44 was previously made by telephone conversation. Previously presented claims 13-19, which were withdrawn from consideration in the Office Action in view of the restriction requirement, are canceled without prejudice and are subject to pursuit in a further application. It is believed that reference in section 1.3 of the Office Action to claims "31 – 43" being withdrawn is in error and should have referred to the withdrawal of claims 13 – 19. This interpretation is consistent with claims considered in the rejections in the Office Action. Added claims 45 and 46 are consistent with the subject matter of the elected claims and hence are appropriate for consideration.

Claim Rejection - 35 U.S.C. §112:

Claims 1-44 were rejected under 35 U.S.C. 112, second paragraph, with regard to use of the word "flexible". This rejection is overcome by substituting "selectable" for "flexible" throughout the claims, and hence withdrawal of this rejection is sought.

Page 13   10/762,622 CCS-102

Claim Rejection - 35 U.S.C. §103:

Claims 1-23, 25-33 and 35-39 were rejected under 35 U.S.C. 103 based on Pelaez (US 20050101303) in view of Dahod (US 20040224678). These rejections are respectfully traversed, and at least some of the reasons for withdrawing the rejections are explained below.

Claim 1

Claim 1 is directed to a method implemented by a push-to-talk wireless mobile terminal that is in the position of a recipient of incoming calls. A determination is made if a first input from a user of the first mobile terminal has been made requesting selectable acceptance management for incoming calls not yet initiated to the first mobile terminal. If the request has been made, the first mobile terminal transmits a first control message to a communication application server. The first control message represents an instruction to implement selectable acceptance of future incoming calls to the first mobile terminal. Selectable acceptance includes storing an initial voice message associated with the incoming call to the first mobile terminal and not automatically transmitting the initial voice message to the first mobile terminal from the communication application server.

Dahod is relied upon as teaching the determining step citing the alleged teaching of Dahod of "if a user of the receiving terminal inputs to request i.e., except deny her forward the incoming PTT call ..." Dahod does not teach that a determination is made at the recipient mobile of how to control incoming calls not yet initiated to the mobile. The temporary storage of a voice message associated with an incoming call to the mobile is handled the same way for each incoming call by the communication infrastructure equipment. FIG. 5 of Dahod shows the flow diagram associated with the recipient mobile. In the first step at 1030 the recipient mobile receives notification of an incoming PTT call. In the later step at 1032, the recipient mobile responses to the notification signal with answer/accept the call. Therefore, Dahod does not teach that a determination is made at the recipient mobile of how to control incoming calls not yet initiated to the mobile. Because Dahod does not support this required step in claim 1 (and Pelaez is not relied upon as teaching this step), the rejection of claim 1 under 35 U.S.C. 103 should be

withdrawn.

Claim 2

In claim 2 a first alert message, representing an incoming call, is received at the first mobile terminal and provides a first alert output at the first mobile terminal that is different from another alert output at the first mobile terminal associated with another incoming call to the first mobile terminal without selectable acceptance be implemented. That is, the user of the first mobile terminal is provided with a distinct alert that distinguishes whether an incoming call is being received with or without selectable acceptance management. Neither Dahod nor Pelaez provides such a teaching, and hence the rejection of this claim under 35 U.S.C. 103 based on the combination of these two references should be withdrawn.

Claim 3

In claim 3 a determination is made if a second input of the user of the first mobile terminal is made representing a call-by-call election by the user of whether to request the initial voice message associated with the incoming call, under selectable acceptance management, be transmitted to the first mobile terminal. That is, selectable acceptance management provides the user of the first mobile terminal with the ability to select (elect) on a call-by-call basis whether or not the initial voice message will be delivered to the first mobile terminal. This provides the user with increased flexibility in controlling the receipt of incoming calls on a call-by-call basis. Neither Dahod nor Pelaez, considered individually or in combination, provide such a teaching or such flexibility, and hence rejection of this claim based on the applied two references should be withdrawn.

Claim 4

In claim 4 the second control message causes the communication application server to transmit the initial voice message to the first mobile terminal with the communication application server providing no indication to an originator of the initial voice message whether or not the initial voice message was delivered to the first mobile terminal. This preserves the privacy of the

availability of the user of the first mobile terminal. For example, the user of the first mobile terminal may elect to merely listen to the initial voice message and based on the contents of the voice message then decide not to initiate substantially real-time communications with the originator. In this example the originator would not be aware that the user the first mobile terminal had listened to the initial voice message. Such a capability is not taught by either Dahod or Pelaez or the combination thereof, and hence the rejection under 35 U.S.C. 103 of this claim is not supported by the two applied references. Withdrawal of the rejection is requested.

Claims 7-10

Claims 7, 8, 9 and 10 are allowable for similar reasons explained above with regard to claims 1, 2, 3 and 4, respectively. Therefore, withdrawal of the rejections of these claims is sought.

Claim 20

Claim 20 is directed to the method implemented by a communication application server that processes communications among users in a push-to-talk communication network. A first control messages received from a first mobile terminal or the first control message represents an instruction to initiate a process providing selectable acceptance of yet to be received incoming calls to the first mobile terminal. A stored presence state associated with the first mobile terminal is updated to reflect that future incoming calls to the first mobile terminal are to be processed in accordance with selectable acceptance. An incoming call from a second mobile terminal is received which includes a voice message. The voice message a stored in memory. An incoming call alert message is transmitted to the first mobile terminal for the incoming call work message does not contain the voice message.

This claim was rejected for the same reason as stated with regard to claim 1. For similar reasons explained above with regard to claim 1, claim 20 is not rendered obvious based on the teachings of the two applied references. As explained above, Dahod does not teach or suggest that a recipient mobile provides a command to the infrastructure equipment to control how <u>future incoming calls</u> are to be processed. In accordance with Dahod, the recipient mobile can answer

(or not answer) an incoming call by pushing the recipient's PTT button (or not). In either case such an action is made in response to a currently presented incoming call. Since the teachings of only Dahod are relied upon in the Office Action as disclosing this requirement, it is apparent that the 35 U.S.C. 103 rejection of claim 20 is not properly supported and should be withdrawn.

Claim 22

In claim 20 to the initial voice message is transmitted to the first mobile terminal without providing any indication to the second mobile terminal of whether or not the initial voice message was delivered to the first mobile terminal. This preserves the privacy of the availability of the user of the first mobile terminal. For example, the user of the first mobile terminal can choose to hear the initial voice message without the originator being aware that it was heard by the user. This provides the user with increased flexibility and permits the user to make a decision on whether or not to proceed with real-time communications with the originator with the benefit of having heard the originator's initial voice message. Neither Dahod nor Pelaez provides such a teaching, and hence the withdrawal of the rejection of this claim is requested.

Claims 30, 32

Claims 30 and 32 are directed to a communication application server and are believed to be allowable for similar reasons discussed above with regard to claims 20 and 22, respectively.

New claims 45, 46

These claims are directed to a method and apparatus, respectively, that process communications among users in a push-to-talk communication network. Selectable acceptance is recited as causing the communication application server to permit a user of the first mobile terminal to elect on a call-by-call basis whether to have the voice message delivered to the first mobile terminal. Selectable acceptance inhibits any transfer of information to the second mobile terminal regarding the election made by the user so that the originator of the voice message at the second mobile terminal cannot determine whether or not the voice message was delivered to the
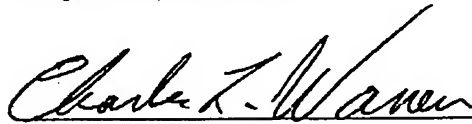
Page 17   10/762,622 CCS-102

first mobile terminal. This protects the privacy of the user of the first mobile terminal. None of the applied references teach these limitations.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,

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